



Massachusetts
Department
of
ENVIRONMENTAL
PROTECTION

fact sheet

Toxics Use Reduction Act – 2006 Revisions

[An Act Amending the Toxics Use Reduction Act \(Chapter 188 of the Acts of 2006\)](#)

was signed into law on July 28, 2006, representing the first major overhaul of the Toxics Use Reduction Act (TURA) since it was enacted in 1989. The highly successful TURA program has helped Massachusetts businesses reduce toxics use by 41% and toxic byproducts by 65%¹, reducing chemical transportation risks, workplace hazards, and toxics in products while helping businesses remain competitive in a global marketplace increasingly aware of toxics issues.

The 2006 TURA amendments build on the program's success by focusing attention on reducing the use of higher hazard chemicals, encouraging businesses to increase environmental performance through resource conservation plans and environmental management systems, and streamlining reporting and planning requirements.

Together, the Massachusetts Department of Environmental Protection (MassDEP), the Office of Technical Assistance (OTA), and the Toxics Use Reduction Institute (TURI) will work with the TURA Administrative Council to implement the TURA amendments.

MassDEP will promulgate revisions to the TURA regulations (310 CMR 50.00) in early 2007 that will make changes to toxics use reporting requirements for reports due July 1, 2007. MassDEP will promulgate a second set of revisions later in 2007 to implement the new planning options for plans due July 1, 2008. Additional changes will be implemented over time as the TURA Administrative Council designates higher hazard chemicals, develops reduction strategies, and de-lists some chemicals. Legislation highlights are listed below.

Effective for reporting year 2006 (reports due July 1, 2007)

- Exempts toxics present in fuel oil except when used to produce electricity, steam or heat as primary business
- Adds use of NAICS codes in addition to SIC codes (this does not change who is required to report)
- Harmonizes 10,000/25,000 pound reporting thresholds with the federal Toxics Release Inventory (TRI) program so that manufactured/ processed chemicals no longer need to be reported below 25,000 pounds (except for PBT chemicals)
- Replaces the Byproduct Reduction Index and Emissions Reduction Index calculations with new production unit metrics that measure progress compared with the previous year
- Replaces escalating late fees with flat \$1,000 late fee
- Gives MassDEP responsibility for fee waiver requests (instead of EOEA)

¹ Measured using 2004 data normalized for changes in production reported by a core group of industries that have been subject to reporting since 1990.

Effective for planning year 2008 (plans due July 1, 2008)

- Provides alternative planning options after a company has completed 1 toxics use reduction plan and 2 plan updates:
 - Resource conservation plan for energy, water, or materials use (allowed every other planning cycle) or
 - EMS in lieu of a TUR plan (provided reportable toxics are addressed in the EMS).
- Establishes new TUR Planner continuing education requirements for EMS and resource conservation planning.

Requires action by TURA Administrative Council - effective no earlier than reporting year 2008 (reports due July 1, 2009)

- Designate chemicals as either higher hazard (with lower 1,000 pound threshold) or lower hazard (with elimination of per chemical fee)
- Evaluate inclusion of CERCLA list chemicals on the toxics list and retain or de-list as appropriate
- Review and adjust structure of TURA fee system
- Designate priority user segments that use higher hazard chemicals

For more information on the TURA amendments please contact Lynn Cain at MassDEP at 617-292-5711 or lynn.cain@state.ma.us.

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